

AR 4161 Absence and Leave Provisions for Certificated and Certificated Management Employees

General Provisions

A leave of absence is an authorization for the unit member's absence from duty for a specific period of time and an approved purpose. A condition of each leave of absence is that any required license or certificate held at the time the leave was granted must be maintained in full force by the unit member. Unit members on paid leave of absence, unless otherwise provided herein, shall receive wages, fringe benefits, and retirement credit as though they were not on leave. Unit members who go on an unpaid leave during any pay period shall receive fringe benefits for the balance of that pay period. Thereafter, they shall be allowed to remain on continued coverage pursuant to the terms of the insurance plan selected at their own expense, provided they make advance payment of the premium in a manner reasonably required by the District. Procedures in this Article for notification of absence are mandatory. Failure to follow absence notification procedures may result in forfeiture of salary for the day(s) of absence.

On the day the unit member returns to active service, he/she shall complete an employee absence report, and shall submit it to the immediate supervisor.

Unit members shall notify the District of their anticipated absence as soon as the need for the leave of absence is known, but in no event less than one hour before the unit member's normal reporting time.

Sick Leave

Unit members shall accrue sick leave at the rate of ten (10) days per year. Accrued, but unused sick days, shall be carried forward from year to year. The District may require a physician's verification of illness for a unit member's absence of five (5) or more consecutive days. In addition, the District may require such verification when misuse of sick leave is suspected. A physician's verification shall be made by a licensed medical doctor. The verification shall state the nature of the disability, the cause of the disability, the beginning and ending dates of the disability, and shall verify that the unit member is released to return to his/her regular duties without restriction.

A unit member may utilize sick leave for absences necessitated by her pregnancy, miscarriage, childbirth, and recovery therefrom, with a physician's verification.

Employees may use sick leave for the diagnosis, care, or treatment of a health condition of, or preventive care for, the employee or an immediate family member of the employee. (Labor Code 245.5)

Employees may also use paid sick leave to obtain or seek any relief or medical attention specified in Labor Code sections 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

While teaching summer school, a unit member may use up to two (2) days of accrued sick leave for absences covered in this article. Each day of summer school missed shall result in a deduction of one day of sick leave.

Leaves, Return to Work after Extended Industrial or Personal Illness or With Restrictions after Illness Leave.

When an employee has been absent from work on personal illness leave for any duration, the employee must present his/her supervisor with a completed physician's verification form before resuming work. If the verification indicates return to "regular work duty," the employee may begin work. However, if the

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verification indicates that there are medical restrictions upon the employee's return to work, both the employee and his/her supervisor must understand the nature of the restrictions placed upon the employee.

For personal injuries and illnesses, if the release has medical restrictions, the employee must meet with his/her supervisor and the personnel office before resuming work, and one or more of the following actions will be necessary.

1. The employee will complete a job-related questionnaire to determine the extent that the medical restriction will limit the employee's ability to perform the job and to determine if the duties can be reasonably modified to accommodate the restriction.
2. If the restrictions are temporary and job duties can be reasonably modified to accommodate these restrictions, the employee will be allowed to return to work.
3. If the restrictions are temporary and, in the opinion of the supervisor, job duties cannot be reasonably modified, the employee will be placed on personal illness or industrial accident leave, whichever is appropriate, until the doctor's restrictions are lifted or become permanent.
4. If the restrictions are permanent, and, based on medical evidence, the employee cannot perform all the duties of the job, the employee shall be eligible for the following.
 - a. Reasonable accommodation may be made for disabled employees by identifying barriers presented by the individual's disability, identifying possible accommodations, assessing the reasonableness of the accommodation(s) and identifying alternatives such as permanent light duty work, modified work schedules, job sharing or reassignment to vacant positions. A determination shall be made as to whether the accommodation is an undue hardship, in which case the following options are available:
 - i. Those employees whose permanent disabilities are due to a work-related injury may qualify for rehabilitation benefits.
 - ii. Employees may be considered for disability retirement.

Definition

Immediate Family

Defined as mother, father, husband, wife, domestic partner, son, daughter, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, or granddaughter of the employee, or the death of any other person living in the immediate household of the employee, when additional leave is required beyond that provided by Bereavement leave provisions.

Legal Protections

No employee will be denied the right to use credited paid sick days. The District will not discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the California Labor Commissioner, or alleging violation of Labor Code sections 245-249.

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The Superintendent or designee will display a poster with the information required by the Labor Code, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for at least three years, and comply with other requirements of Labor Code sections 245-249.

Personal Necessity Leave

Unit members shall be entitled to use up to seven (7) days of paid sick leave in each school year in the following cases of personal necessity:

5. Death of a member of the immediate family as defined above.
6. An accident involving the person or property of the unit member or of a member of the member's immediate family as defined above. The accident must be of such an emergency nature that the immediate presence of the unit member is required during the regular work day.
7. Appearance in court as a litigant, or as a witness under order of subpoena.
8. Serious or critical illness of a member of the unit member's immediate family, as defined above. The illness must be of such a serious or critical nature that the immediate presence of the employee is required during his/her regular work day.
9. Financial A condition or circumstance which, if unattended, would result in an unconscionable financial loss materially affecting the unit member's ability to maintain reasonable conditions of sustenance for the member and dependents.
10. Religious holiday or observance of the member's faith which cannot be conducted outside of regular working hours.
11. The birth or adoption of the unit member's child within one (1) month of such event.

Use of sick leave days for personal necessity reasons shall not be approved for purposes of personal convenience, participation in work stoppage or slowdown, or sick-out, or for the extension of a holiday, weekend, or vacation period, recreational activities, Association activities, or other activities which can be taken care of outside of work hours. The unit member shall verify in writing on the District form which of the above reasons the leave was utilized for, and shall certify that the leave was used only for the purpose specified in the verification.

Paid Personal or Family Business Leave

Three days of paid sick leave may be used for personal or family business which cannot be conducted outside of the regular school day, provided that the unit member certifies that the paid personal or family business leave day shall not be used for the purposes of participation in work stoppage, slowdown, or sick-out. A unit member must notify the District in writing one week in advance of the intent to use the personal or family business leave day drawn upon the unit member's sick leave, except that when such leave is used for bereavement of a family member who is not in the immediate family, a full week's advance notice is not required. Upon return, the unit member shall verify that the leave was used in accordance with the purposes of this Article.

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Bereavement Leave

A unit member shall be entitled to three (3) days paid leave of absence, or to five (5) days if travel of more than 400 miles each way is involved, on account of the death of a member of the unit member's immediate family as defined above. No deduction shall be made from salary or accrued sick leave on account of use of such authorized leave of absence. Upon expiration of authorized bereavement leave, the unit member may utilize personal necessity leave for purposes of bereavement as provided elsewhere in this Article.

Service as a Witness or Juror

For time spent in court on jury service, or as a regularly subpoenaed witness, there shall be no deduction from pay. Any compensation for jury service shall be submitted to the District in return for the employee's full salary. No compensation shall be afforded for time spent in court as a litigant. A unit member shall report days of jury service on the form available through the Jury and Court Coordinator's Office, and shall submit this to his/her school office with the attendance report.

Leave Without Pay

A permanent unit member may request an unpaid leave of absence for a period not in excess of one year for any reason not specified elsewhere in this Agreement provided the following requirements are met.

1. A substitute or temporary employee meeting District standards can be obtained.
2. The application, including the reason for the request, for said leave shall be submitted by February 15 of the year prior to the leave.
3. The District shall indicate to the unit member by April 1 if the leave request has been granted or denied.
4. The unit member shall receive no fringe benefits nor accrue other rights during the unpaid leave of absence.
5. The leave must be in the best interests of the District's instructional program.
6. Seniority shall be considered if only one leave is granted and more than one unit member applies.
7. Leave shall not be granted for the purpose of accepting other employment.

The above-mentioned dates do not preclude the granting of an unpaid leave request for an applicant making such request after February 15.

Unit members returning from leave shall confirm in writing their intent to return upon conclusion of the leave no later than March 15 of the year of the leave.

Differential Pay Leave

When a unit member is absent from duty on account of illness or accident for a period of five (5) full months or less, the amount deducted from the salary due for any month in which the absence occurs shall not exceed the sum actually paid a substitute to fill the position during the absence, or, if no substitute was employed,

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the amount which would have been paid to a substitute had a substitute been employed. The amount deducted for difference pay shall not exceed the daily rate for Step I, column I on the certificated salary schedule. For purposes of this article only, a school month is defined as twenty (20) days on which a unit member is required to work.

The five (5) months shall begin to run on the first day of absence following the exhaustion of the current school year's sick leave. The five (5) month period shall run consecutively with all accrued but unused sick leave from previous years. An employee shall not be provided more than one five-month period per illness or accident. If the illness or accident continues into a new school year, the employee, while ill or injured, may use up to the balance of the five-month period.

Use of extended illness leave and return there from is subject to the physician verification provisions of this Article and Board policy.

When a unit member has exhausted all available sick leaves, including accumulated sick leave, and the member is unable to resume the duties of his/her position and continues to be absent due to illness or accident beyond the five-month period, the employee, if not placed in another position, shall be placed on the reemployment list for a period of twenty-four (24) months, if

probationary, or thirty-nine (39) months, if permanent. When the employee, during the twenty-four (24) or thirty-nine (39) month period provides a physician's confirmation and release to do the essential functions of a vacant position for which he/she is credentialed and qualified, the employee shall be placed in such a vacant position.

Board Approved:

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